BEFORE THE APPEALS BOARD FOR THE KANSAS DIVISION OF WORKERS COMPENSATION

| LARRY WILSON Claimant | } |
|------------------------------------|-------------------------|
| VS. |) Docket No. 181,894 |
| BOSLEY TIRE SERVICE Respondent AND |))) |
| ITT HARTFORD Insurance Carrier | |

ORDER

Claimant requests review of the Preliminary Hearing Order of Administrative Law Judge Shannon S. Krysl entered in this proceeding on September 22, 1994.

ISSUES

The Administrative Law Judge ordered claimant to join subsequent employers in the present proceeding to determine questions of contribution. Claimant requested this review and contends the Administrative Law Judge lacks the authority and jurisdiction to enter such an order. That is the sole issue now before this Board.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the entire record, the Appeals Board finds as follows:

(1) Under K.S.A. 44-551, the Appeals Board has the authority and jurisdiction to review questions of whether administrative law judges have exceeded their jurisdiction. Therefore, the Appeals Board has jurisdiction to review this matter.

(2) Claimant's subsequent employers are not indispensable parties to determine the issues whether claimant met with personal injury by accident arising out of and in the course of his employment with respondent and the nature and extent of disability that claimant now has due to an injury sustained while employed by the respondent. Because the subsequent employers are not indispensable parties, coupled with the fact that we are unable to find any statute that grants the Administrative Law Judge the authority to order the inclusion of other parties in a pending proceeding, the Appeals Board finds the Administrative Law Judge has exceeded her jurisdiction and authority by ordering the claimant to join other employers in this matter.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Order of Administrative Law Judge Shannon S. Krysl entered in this proceeding on September 22, 1994, should be, and hereby is, reversed and set aside.

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| Dated this | _ day of August, 1995. | |
| | BOARD MEMBER | |
| | BOARD MEMBER | |
| | ROARD MEMBER | |

c: Michael L. Snider, Wichita, Kansas P. Kelly Donley, Wichita, Kansas Shannon S. Krysl, Administrative Law Judge Philip S. Harness, Director

IT IS SO ORDERED